

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

| | | |
|--------------------------------------|---|------------------------|
| LIBERTARIAN PARTY OF SOUTH, |) | Civ. No. 15-4111 |
| DAKOTA; KEN SANTEMA, State Chair |) | |
| of the Libertarian Party of South |) | |
| Dakota; BOB NEWLAND; |) | |
| CONSTITUTION PARTY OF SOUTH |) | |
| DAKOTA; LORI STACEY, State Chair |) | |
| of the Constitution Party of South |) | |
| Dakota; JOY HOWE; |) | |
| |) | MOTION TO DISMISS |
| |) | AND ALTERNATIVE |
| Plaintiffs, |) | MOTION TO CHANGE VENUE |
| |) | |
| v. |) | |
| |) | |
| SHANTEL KREBS, in her official |) | |
| Capacity as Secretary of State of |) | |
| South Dakota; and MARTY JACKLEY, |) | |
| in his official capacity as Attorney |) | |
| General of South Dakota |) | |
| |) | |
| Defendants. |) | |

COME NOW, the above named Defendants and move to dismiss for lack of subject-matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) as this claim is not ripe for the Court's review. Defendants alternatively move for a change of venue from the Southern Division to the Central Division pursuant to 28 U.S.C. § 1404. Defendants supporting arguments are set forth in the brief accompanying this motion pursuant to D.S.D. Civ. LR 7.1 B.

Dated this 9th day of July, 2015.

/s/ Ellie J. Bailey
Ellie J. Bailey
Assistant Attorney General
1302 E. Hwy 14, Suite 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215
Email: Ellie.Bailey@state.sd.us

Certificate of Service

I hereby certify that on the 9th day of July, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern Division by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Ellie Bailey
Ellie J. Bailey
Assistant Attorney General